



**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION  
MIDDLETOWN CONNECTICUT  
JULY 8, 2020**

*The meeting was held virtually and accessible by:*

1. **Going to <https://webex.com> and joining the meeting using the appropriate meeting number and password**
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**Meeting Number/Access Code: 1291773751**  
**Event Password: Planning**

**1. Call to Order / Roll Taking**

Chairman Devoto called the meeting to order at: 7:38 PM.

Present: Stephen Devoto  
Nicholas Fazzino  
Thom Pattavina  
Richard Pelletier  
Catherine Johnson  
Marcus Fazzino  
James O'Connell  
Kellin Atherton (seated for vacancy)  
Shanay Fulton

**2. Items removed from the agenda and why**

Item 5.1 has been postponed by the applicant so they can address staff comments.

**3. Public comment on items on agenda which are not currently scheduled for a public hearing**

None

**4. ZEO Certification that all public hearing signs have been properly noticed (when scheduled)**

All public hearing items have been properly posted.

## **5. Public Hearings (when scheduled)**

- 1. Proposed Special Exception for used car sales and general repairs in a TD zone at 373 East Main Street. Applicant/agent John Sheil SE2020-4**

Postponed by applicant.

- 2. Proposed zoning map amendment to change zone of property at 809-797 Washington Street from an MX Zone to a B-2 Zone. Applicant/agent American Premier, LLC/Patrick Doherty, Midpoint Engineering and Consulting Z2020-5**

Attorney Rich Carella will be representing the applicant. This parcel is located at the intersection of Washington Street and Plaza Drive, on the south side of Washington Street. His clients are interested into developing the property for commercial and business purposes. It is currently zone MX and is surrounded by the B-2 zone by the north, west and south. The applicant is affiliated with the owners of the Price Chopper grocery store. They are looking to change the zone to B-2 so that they can develop this in conjunction with the Price Chopper lot and develop what is really a prudent success to have retail development connected to a grocery store anchor. There is a street light at the intersection and there will be access on Washington Street and have access through the Price Chopper Plaza.

Commissioner Johnson asked what the likely use of this parcel is. Attorney Carella said some kind of commercial or retail. They had no specific tenant yet. Commissioner Johnson said she wants a picture of how the property is to be used. Would all the lawn be paved over for parking spaces, would the buildings be demolished? Rich Carella said that it's putting the cart before the horse. In order to develop this property to address those types of concerns, they need to know if they can develop into the B-2 regulation and the uses allowed there or are they limited to the uses in the MX zone. They don't have a specific use at the moment or how the layout will occur until they have a zone change. They will have to come before the Commission again when they are ready to develop the lot.

There were no questions from the public but Atty. Carella spoke about a letter of support that was received from the Chamber of Commerce. Marek read the letter into the record.

Nicholas Fazzino moves to close the public hearing. Richard Pelletier seconds the motion. The chair calls for the vote. It is 6 aye votes by Stephen Devoto, Nicholas Fazzino, Thom Pattavina, Richard Pelletier, Marcus Fazzino, James O'Connell, Kellin Atherton, Shanay Fulton and 1 nay vote by Catherine Johnson. The Chair states the matter carried with 6 affirmative votes.

Kellin Atherton moves for approval for a zoning map amendment to change the zone of property at 809-797 Washington Street from an MX Zone to a B-2 Zone. Thom Pattavina seconds the motion. Commissioner Pelletier said that since he was a child, this parcel seemed out of place. He thinks it's a very good idea to change the zoning. Commissioner Atherton also said he was in favor of the change of zones. Commissioner Johnson share her views against changing the zone. The chair calls for the vote. It is 6 aye votes by Stephen Devoto, Nicholas Fazzino, Thom Pattavina, Richard Pelletier, Marcus Fazzino, James O'Connell, Kellin Atherton, Shanay Fulton and 1 nay vote by Catherine Johnson. The Chair states the matter carried with 6 affirmative votes and 1 nay vote.

**3. Proposed text amendment to add Section 62.02 Moratoriums for Motor Vehicle Services and Repair Uses in the B-2 Zone. Applicant/agent Middletown Planning, Conservation and Development Z2020-4**

Marek Kozikowski presented the application. He said the he has been thinking about this since last October and would like some feedback from the Commission. It's a petition for a text amendment to modify Section 62 to add a moratorium for vehicle repair and service uses in the B-2 zone for a time period not to exceed nine months. He read the petition into the record.

No one in the public wished to speak.

Nicholas Fazzino moves to close the public hearing. Thom Pattavina seconds the motion. The chair calls for the vote. It is unanimous to close public hearing with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Richard Pelletier moves for approval of the proposed text amendment to add Section 62.02 Moratoriums for Motor Vehicle Services and Repair Uses in the B-2 Zone. Thom Pattavina seconds the motion. Catherine Johnson asked a question (inaudible). Marek said that all they can do is make sure the zone is appropriate for these types of uses and determine if it should be a permitted or special exception use. The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

**6. Old Business**

- 1. Request for final approval for lots 1-3 of the Cedar Ridge Subdivision on Coleman Road which received preliminary approval in May of 2011. Applicant/agent Philip Reynolds S2011-2 (Suggested public hearing date: July 22, 2020)**

Marek gave a brief statement and said that the RiverCog will be making a presentation on July 22<sup>nd</sup>.

Nicholas Fazzino moves to schedule a public hearing for July 22<sup>nd</sup>. Catherine Johnson seconds the motion. Commissioner Johnson suggests that everybody stop by to see the property on Coleman Road before the vote. She also said that she went to the public meeting for the RiverCog the night before and said that they presented nothing of importance. Kellin Atherton said that the Commission was out of order and they should be discussing only the application. The RiverCog should be discussed under Commission Affairs.

A discussion ensued regarding changing the public hearing date to August 12<sup>th</sup>. Commissioner Pelletier made a motion to amend the original motion to August 12<sup>th</sup>. Catherine Johnson seconds the motion. The chair calls for the vote to change the next meeting date to August 12<sup>th</sup>. It is 5 aye votes by Nicholas Fazzino, Thom Pattavina, Catherine Johnson, Marcus Fazzino, Kellin Atherton; 2 nay votes by Stephen Devoto, Richard Pelletier. The Chair states the matter carried with 5 affirmative votes and 2 in opposition.

A vote was taken to change the public hearing to August 12<sup>th</sup> was passed unanimously.

**7. New Business**

**1. Request for an affirmative G.S. 8-24 for the construction of a parking lot expansion at the Middletown High School located at 200 LaRosa Lane. Applicant/agent City of Middletown G.S. 8-24 2020-6.**

Marek described the application. He said the lot would be paved with no curbing. He gave a short presentation. Commissioner Devoto asked if this would come back to the P&Z Commission to discuss drainage and charging stations as they cannot put conditions on a G.S. 8-24 application. Marek said that this would not go before the Commission again.

Richard Pelletier moves for approval. Nicholas Fazzino seconds the motion. The chair calls for the vote. It is 6 aye votes by Stephen Devoto, Nicholas Fazzino, Thom Pattavina, Richard Pelletier, Marcus Fazzino, Kellin Atherton; 1 nay votes by Catherine Johnson. The Chair states the matter carries with 6 affirmative votes, 1 in opposition.

**8. Public comment on topics which are not or have not been the subject of a public hearing**

None

**9. Minutes of the Regular Meeting, Transcripts, Staff Reports and Commission Affairs**

**1. Minutes of the June 24, 2020 meeting**

Thom Pattavina moves for approval of the minutes of the June 24, 2020 meeting. Kellin Atherton seconds the motion. The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

**2. River-Cog Report**

Beth Emery said the first meeting of the RiverCog was to be informational. The second meeting will be to hear concerns from the public. A discussion continued about what the July 22<sup>nd</sup> RiverCog meeting would be discussing. Marek asked if the Commission would like to keep the RiverCog meeting on July 22<sup>nd</sup> or ask them to postpone it. Commissioner Devoto said he would like to keep it on the 22<sup>nd</sup> for those Commissioners who are interested.

**3. Staff Reports**

Marek said he has been working diligently with the Commission on Conservation and Agriculture for a grant for open space. He has also been working on the POCD. He's been receiving comments from the Steering Commission and is incorporating them into the draft.

**4. Commission Affairs**

None

**10. Adjournment**

Nicholas Fazzino moves for adjournment. Thom Pattavina seconds the motion. The chair calls for the vote. It is unanimous to adjourn with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Respectfully submitted,

Marek Kozikowski, AICP  
City Planner